

Date

Ms. Jessica Lange
Louisiana Crawfish and Promotion Board
P. O. Box 95004
Baton Rouge, La. 70895-9004

Re: Board Docket No. 2021-078

Dear Ms. Lange:

The Louisiana Board of Ethics, at its April 9, 2021 meeting, considered your request for an advisory opinion regarding whether the Code of Governmental Ethics, (Code) would prevent members of the Louisiana Crawfish and Promotion Board from being reimbursed at fair market value for crawfish being used to test a new crawfish peeling machine.

FACTS PROVIDED

The University of Lafayette contracted with the Louisiana Crawfish Promotion Board to research and develop an automated crawfish peeling machine. The University asked the Louisiana Crawfish Promotion Board if any of the members had crawfish available to use for testing the prototype of the peeling machine. The board would like to know if a Board member supplies crawfish to the University, would reimbursement to the member by the University of fair market price be acceptable.

LAW

La. R.S. 42:1113B No appointed member of any Board or Commission, member of his immediate family, or legal entity in which he has a substantial economic interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such appointed member.

La. R.S. 42:1123(30) provides an exception to the Code in that a public servant is not prohibited from donating services, movable property, or funds to his agency. However, nothing shall be construed to allow a public servant to make an appointment of a person which is otherwise prohibited by the Code.

CONCLUSION

The Board concluded, and instructed me to inform you, La R.S. 42:1113B prohibits members of the Louisiana Crawfish Promotion Board from being reimbursed for providing crawfish to the University pursuant to a contract under the supervision and jurisdiction of the Louisiana Crawfish

Promotion Board to create an automated crawfish peeler. However, the exception in 1123(30) allows a Board member to donate movable property such as crawfish

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Suzanne Quinlan Mooney
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.